
**Natural Resources, Ecology &
Parks Committee**

HB 2641

Brief Description: Concerning the trapping of wildlife.

Sponsors: Representatives B. Sullivan and Upthegrove.

Brief Summary of Bill

- Repeals, reorganizes, and recodifies into one central chapter in the Fish and Wildlife Code the state law relating to wildlife trapping.
- Creates a mechanism for the use of body-gripping traps to manage animal problems.
- Creates a trapping license extension for those interested in trapping for a fee.

Hearing Date: 1/19/06

Staff: Jason Callahan (786-7117).

Background:

It is a gross misdemeanor to use any body-gripping trap. A body-gripping trap is defined as a trap that grips an animal or an animal's body part, to capture any mammal, or to use a leghold or neck snare trap to capture a mammal for recreation or commerce. It is also illegal to buy, sell, barter, or otherwise exchange the fur of a mammal that has been trapped with a body-gripping trap. Common rat and mouse traps are exempted from the definition of body-gripping traps (RCW 77.15.194).

The Director of the Department of Fish and Wildlife (DFW) may grant permits to use certain traps in limited circumstances, including for the protection of public health and safety. Before an individual can be issued a 30-day special permit, he or she must show in writing that the problem can not be reasonably controlled by non-lethal means. The holders of special permits are required to inspect any traps at least once daily (RCW 77.15.194).

The Director of the DFW is also authorized to allow DFW employees and wildlife scientists to use otherwise unlawful traps. Likewise, employees of the United States Fish and Wildlife Service are expressly exempted from the current law's coverage when protecting endangered species (RCW 77.15.194).

In addition to being prosecuted for a gross misdemeanor, a person who violates the provisions of the state trapping law loses his or her trapping privileges for five years. Repeat violators of the state's trapping laws face permanent suspension of their trapping privileges (RCW 77.15.198).

Trapping fur-bearing mammals with a non-body-gripping trap is allowed during trapping seasons. An individual first must possess a DFW-issued trapping license. Prior to receiving a trapping license, an applicant must complete a course in safe, humane, and proper trapping techniques (RCW 77.65.460). The DFW is required to conduct such a program and focus the education on trapping techniques designed to painlessly capture or instantly kill targeted mammals. In developing the educational program, the DFW is required to consult with, among others, humane and trapping organizations (RCW 77.65.460).

A trapper must first seek the permission of the landowner before setting a trap on private property, and all traps must carry an identification tag indicating the owner. If a property owner discovers a trap on his or her property, the owner may remove the trap and contact the DFW for the name and address of the trapper.

Summary of Bill:

Provisions in the Fish and Wildlife Code that deal with the trapping of wildlife are repealed, reorganized, and recodified into a separate chapter dedicated to trapping. Substantive changes are made to the state's trapping laws that impact the use of body-gripping traps and to the license requirements of individuals who trap for profit on other people's land.

Unregulated use of body-gripping traps

Certain species may be trapped in otherwise prohibited traps, including body-gripping traps. These species may also be trapped by individuals who do not possess a trapping license. Unregulated species are moles, gophers, opossum, squirrels, rats, and mice (see definition of "wild animal" in section 1). Management and regulation of these species exists outside of the scope of the state's trapping laws.

In addition, the regulations on the use of body-gripping traps do not apply to any animal that is not a mammal. This includes bird and reptile species.

Regulated use of body-gripping traps (bill section 6)

As a general rule, the use of body-gripping traps is prohibited. However, there are instances when certain body-gripping traps can be used by the owners of commercial timber, airport operators, and private landowners. These classes of citizens may use specific types of body-gripping traps that are authorized for use by the Fish and Wildlife Commission (Commission) for the problem experienced by that type of landowner or land manager. The identified problem facing the landowner or land manager must be actual damage or threatened damage to property or resources, including livestock and pets, or threats to public safety (see definition of "animal problem" in section 1).

Each type of land manager or land owner using a body-gripping trap has to satisfy certain criteria. A forest landowner who uses a body-gripping trap to capture mountain beavers must annually report to the DFW the number of mountain beavers captured and their approximate location. Airport managers may only use body-gripping traps to capture wildlife that is posing a threat to human

health and safety. Other landowners may only use body-gripping traps if the landowner has documented the existence of a specific problem that can not reasonably or effectively be addressed using non-lethal means.

In addition to private landowners, airport managers, and timber owners, body-gripping traps may be used by certain other professionals. These include federal wildlife agencies, wildlife researchers, and DFW employees and those working with their permission to protect threatened and endangered species.

Which body-gripping traps may be used? (bill section 7)

The Commission is required to adopt a list of body-gripping traps that may be used in specific situations. These trap types must be the most humane effective trap possible for the targeted problem. Any traps identified for use by the Commission must be substantially consistent with the unanimous recommendations and advice given by the Trap Type Advisory Panel.

Land owners and land managers are limited to using only the body-gripping traps identified as permissible by the Commission. Until at least one trap type is identified by the Commission, the landowner or land manager is constrained to the traps that are legal under current state law.

Trap Type Advisory Panel (bill section 7)

The Commission must convene the Trap Type Advisory Panel to aid Commission members in identifying the most humane effective trap types for a given identified problem. The panel must consist of a balanced representation of interests and expertise. The members of the panel will convene upon request by the Commission and forward advice to the Commission on requested issues.

Commerce of fur (bill section 8)

The only fur that may be sold is fur from animals captured lawfully by a permissible trap, as identified by the Commission. Animals that are captured in violation of state law may not be entered into commerce, but may be donated to a public health or research institution.

Nuisance wildlife control operators (bill section 3)

A nuisance wildlife control operator license extension is created. The extension is available to anyone possessing a state trapping license. Possession of the license extension allows the holder to trap wild animals and wild birds on the property of another for a fee or other consideration. To obtain the license extension, the holder of a trapping license is required to pay an additional \$250 on top of the \$36 resident or \$180 non-resident fee for the initial personal use trapping license.

Trapper reports

All licensed trappers must submit an annual report to the DFW that indicates the number, general location, and species of animals captured during the past year. The reporting requirement does require the reporting of animals captured with a body-gripping trap in order to manage an animal problem. Failure to submit a report results in a one-year suspension of trapping privileges.

Appropriation: None.

Fiscal Note: Requested on 1/11/06.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.